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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order substitutes Class A of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“Class A”) to incorporate minor and drafting amendments, and the following changes of substance.

### Emergency development

In Class A(b), the period for which land may be used in an emergency is extended from 6 to 18 months.

Development which is permitted in an emergency under Class A(a) or Class A(c) is subject to a condition in paragraph A.2(2) that any electronic communications equipment provided in accordance with that permission must be removed after the relevant period (as defined in that paragraph). This condition is extended to cover unprotected land, and unless the need has already ceased, the relevant period is extended from 6 to 18 months.

Paragraph A.3(12) establishes a new requirement to notify Natural England of development undertaken in an emergency on land which is a site of special scientific interest.

### Installation of masts

The height of masts which may be installed on unprotected land is increased from 15 metres to 25 metres (or 20 metres on a highway) (paragraph A.1(1)(c)). Paragraph A.1(1)(c) also adds a new permitted development right to install masts of up to 20 metres on article 2(3) land. In both cases, the installation is subject to prior approval from the local planning authority under paragraph A.2(3).

### Alteration or replacement of existing masts

The height limitation which applies to the permitted development right to alter or replace an existing mast on unprotected land is increased from 20 metres to the greater of the height of the existing mast or 25 metres (20 metres on a highway) (paragraph A.1(1)(d)). Prior approval is required in the circumstances outlined in paragraph A.2(3)(c)(ii).

A new permitted development right to alter or replace masts on article 2(3) land is added, subject to the limitations set out in paragraph A.1(1)(d), which include a limitation on any increase in height to the greater of the height of the existing mast or 20 metres.

Where prior approval is not required under paragraph A.2(3)(c)(ii), the alteration or replacement is subject to the condition specified at paragraph A.2(1)(b).

### Building-based apparatus

Small antenna and small cell systems are excluded from the limitations on building-based apparatus contained in paragraph A.1(2) of Class A. No limitations now apply to the installation, alteration or replacement under Class A of small cell systems on buildings which are not dwellinghouses, or within the curtilage of dwellinghouses, although development remains subject to conditions which are specified in paragraphs A.2(1) and (2).

Paragraphs A.1(5) and (6) set out limitations which apply to the installation, alteration or replacement of small antenna. Development of a description permitted by paragraph A.1(6) may now be

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undertaken on article 2(3) land (paragraph A.1(4)(a)(iii)), and the limitations contained in paragraph A.1(6)(c) are lifted in respect of buildings which are over 30 metres high.

In respect of the installation, alteration or replacement of antenna (other than small antenna and small cell systems) on a building other than a mast, the limitations specified in paragraph A.1(2)(e)(ii) are lifted where the building is over 30 metres high. Where the building is on article 2(3) land, the requirement for prior approval is lifted (paragraph A.2(3)), although specific limitations continue to apply (paragraph A.1(2)(f)).

The condition at paragraph A.2(1)(a) is extended to require the appearance, as well as the siting, of building-based apparatus to serve to minimise its effect on the external appearance of the building so far as practicable.

### **Prior approval**

Paragraph A.2(3) sets out the descriptions of development in Class A for which prior approval is required.

### **Transitional Provisions**

The transitional provisions contained in article 3 provide that where, before the date of this Order, an application for prior approval has been submitted, or following such an application development is permitted, the application should be determined, and development should be undertaken, in accordance with the terms of the General Permitted Development Order 2015 without the amendments contained in this Order.

An impact assessment of the effect that this instrument will have on the costs of business will be published at [www.legislation.gov.uk](http://www.legislation.gov.uk) or copies may be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.